

### **REMARKS**

This responds to the Office Action mailed on January 7, 2008.

Claims 1 and 8 are amended; claims 15-21 are hereby canceled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

Applicant has made amendments for purposes of placing the present application in condition for allowance. Therefore, Applicant does not believe that any new searching is necessitated and as such entry of the amendments is appropriate. Applicant respectfully requests an indication of the same.

Example support for the amendments may be found in a variety of locations throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 39-40.

#### **§103 Rejection of the Claims**

Claims 1-2, 4-10 and 12-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed et al. (U.S. Publication Number 2004/0103017; hereinafter "Reed") in view of Papierniak et al. (U.S. 6,151,584; hereinafter "Papierniak"), and further in view of Melchione et al. (U.S. 5,966,695; hereinafter "Melchione"). To sustain an obviousness rejection each and every limitation in the rejected claims must be taught or suggested in the proposed combination of references.

Applicant has amended the two pending independent claims to make clear that the metadata associated with unmapped data and elements are not loaded or known to the segmentation tool. Such is not the case in the cited references. As such, Applicant respectfully requests that the rejections of record be withdrawn and the claims be allowed.

Claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed in view of Papierniak and further in view of Melchione as applied to claims 1-2, 4-10 and 12-21 above, and further in view of Copperman et al. (U.S. Publication Number 2003/0220917; hereinafter "Copperman"). Claims 3 and 11 are dependent from amended independent claims; thus, for the amendments and remarks presented above with respect to the corresponding

independent claims, the rejections with respect to claims 3 and 11 should be withdrawn and these claims allowed. Applicant respectfully requests an indication of the same.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4370.

Respectfully submitted,

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Date 04/07/08

By /

  
Joseph P. Mehrle  
Reg. No. 45,535

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of April 2008.

  
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Name

  
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Signature